

least three people in this body speaking this morning who think it ought to move forward, and there are at least three in this body, plus two others who are not here, MCCASKILL and COBURN, who feel the other idea ought to move forward. We ought to move forward separately with the help of everybody involved.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, let me speak very briefly on secret holds and then make a unanimous-consent request.

I express again my appreciation to the distinguished Senator from Iowa, Mr. GRASSLEY. He very often seems too logical for some of these debates. I very much share his view.

The point is, we do have a great deal of consensus. We have had three Senators, in effect, talking over the last 20 minutes with no substantive disagreement. The reality is, eliminating secret holds and shining some sunlight in the Senate on how we do business, it is ready to go. It has been ready to go now four times in the last 10 days.

I very much appreciate Senator GRASSLEY's comments today. We ought to have a vote on it. I have tried to show my good will, as the distinguished Senator from Iowa has this morning, in saying that we happen to think Senators COBURN and MCCASKILL and Senator DEMINT's comments reflect this—have a very good idea as well. I have told them privately and again I state publicly this morning that it is my intent to be a cosponsor of the legislation. It is not yet ready to go, which is, in effect, what Senator GRASSLEY has touched on.

Efforts to reform the Senate and do our business in public when the American people are as angry as they are at the way Washington, DC, does business—one ought to have, as Senator GRASSLEY says, the guts to go public when one is trying to object to a bill or nomination.

My thanks to Senator GRASSLEY for our decade-long push—10 years-plus in trying to do it—and also for the very constructive way he has tried to reach out to colleagues on both sides of the aisle. That is what I have tried to do again this morning with my comments to Senator DEMINT.

I note that the chairman of the Appropriations Committee is also in support of the effort to get rid of secret holds. I thank him for his indulgence and for giving us this opportunity to speak on the floor of the Senate this morning.

Senator GRASSLEY and I are going to come back again and again until this secret hold, which is an indefensible violation of the public's right to know, is finally buried. I thank him.

RECESS

Mr. INOUE. Mr. President, I ask unanimous consent that the Senate

stand in recess until 2:15 p.m. this afternoon.

There being no objection, the Senate, at 12:11 p.m., recessed until 2:15 p.m., when called to order by the Presiding Officer (Mrs. GILLIBRAND).

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2010—Continued

The PRESIDING OFFICER. The Senator from New Jersey.

UNANIMOUS-CONSENT REQUEST—S. 3305

Mr. MENENDEZ. Madam President, I rise to talk about the oilspill in the gulf and the continuing challenges it presents to us. I know some of my colleagues are going to be joining me in a few moments to talk about this. I will ask consent for a colloquy. But I am going to make a few comments about it and then, in recognition of Senator INHOFE's need to move to another commitment, I will ask unanimous consent at that time.

I want to make absolutely certain that big oil polluters pay for oilspills and not the taxpayers—not small business owners, not States or the Federal Government, which means the Federal taxpayers.

We have seen things get worse on the spill over the weekend. Unfortunately, things are, frankly, getting much worse than we would have imagined when we first introduced this legislation. Today the United States declared a fishing disaster in three gulf States—in Louisiana, Mississippi, and Alabama. Louisiana's fishing industry alone is \$2.4 billion of seafood and supplies up to 40 percent of all the U.S. seafood in our country. It is, in my mind, a growing and continuing environmental and economic disaster.

Tragically, it seems to me, a \$10 billion cap—we originally thought, based upon the Exxon Valdez experience, where there were close to \$4 billion in claims 20 years ago, that was a cap that may have been an appropriate one. But in fact it seems to me the only way to ensure that oil companies are held accountable for all of their potential damages, for the proposition that a polluter pays at the end of the day, is to agree with the administration's statement and to raise from a cap of \$75 million to an unlimited cap. I will be asking that in my unanimous consent motion in a few minutes.

We heard already the objections to our legislation. We have even heard some claim that it is “un-American” to hold a multibillion dollar corporation accountable for the very disaster it caused. It boggles my mind, at least as one Senator, that there are those who believe that holding BP accountable for the disaster they created in the gulf is un-American.

This is a chance to show if we stand with big oil companies or with small businesses, with fisheries, with coastal communities, with tourism, with hotels—with all of those individuals, fellow Americans who are being hurt by

this disaster. It is an opportunity to say do we stand with the American taxpayer or with corporate shareholders.

It seems to me the choice is pretty clear. Miles of coastline have already been affected. Environmentally sensitive wetlands are increasingly being under threat. We have seen that, despite the fact that the rig was “state of the art,” it obviously was not too safe to fail.

Now the damage to the environment, to the economy of the gulf, to the fishermen, to the small businesses, to the Nation is mounting. I hope my colleagues are ready to act, especially when we have the statements of BP, that have been reiterated, that they are going to subject themselves—even though there is a legal cap of \$75 million—not for the cleanup, not for all the efforts that are underway—yes, that clearly is their responsibility—but a legal cap of \$75 million for all of the liability, for all of those coastal communities and fishermen and seafood fishermen, shrimp fishermen, and commercial seafood processing plants, tourism, and a whole host of other elements that may be affected, that they be limited to \$75 million—less than 1 day of BP's profit. BP was making at the rate of \$94 million a day. Seventy-five million dollars would be less than 1 day of BP's profits.

If they say they are going to be responsible—and any companies similarly situated should be fully responsible, accountable and subject to that liability—what is the objection to raising the cap?

I hope everyone in the Chamber will do the right thing to hold big oil accountable for the damages they caused. Damages are mounting. They still have not stopped the leak. While BP says they will pay all “legitimate claims,” their word is not legally binding. As a matter of fact, when they were before the Energy Committee, colleagues of mine asked them, clearly, questions and they began to equivocate as to what is a legitimate claim.

Today I asked the Assistant Attorney General of the United States, who was before the Energy Committee, is there a consent agreement between the government and BP, that holds them—legally binding—to the proposition that they will be subject to all the liabilities they have caused? And the answer was no. There is some letter, but even that letter is rather amorphous.

When I hear they are equivocating before the committee, and when I see the experience we already had with Exxon—that made all similar types of statements and then litigated for 20 years—it seems to me this clearly raises concerns that they will try to find a convenient loophole, a convenient way out once the public relations nightmare is over, a way to say no, as many of my colleagues seem to want to say no and stand on the side of big oil companies and stand in the way of legislation that would raise the liability